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12                   UNITED STATES DISTRICT COURT  
13                   NORTHERN DISTRICT OF CALIFORNIA  
14                   SAN FRANCISCO DIVISION

15 DAVID AND NATASHA WIT, *et al.*,  
16                   Plaintiffs,

17                   v.

18 UNITED BEHAVIORAL HEALTH  
19 (operating as OPTUMHEALTH  
20 BEHAVIORAL SOLUTIONS),

21                   Defendant.

22 Case No. 3:14-CV-02346-JCS  
23 Action Filed: May 21, 2014

24                   **[PROPOSED] ORDER GRANTING**  
25                   **PLAINTIFFS' MOTION FOR CLASS**  
26                   **CERTIFICATION**

27 GARY ALEXANDER, *et al.*,  
28                   Plaintiffs,

29                   v.

30 UNITED BEHAVIORAL HEALTH  
31 (operating as OPTUMHEALTH  
32 BEHAVIORAL SOLUTIONS),

33                   Defendant.

34 Case No. 3:14-CV-05337-JCS  
35 Action Filed: December 4, 2014

1 [PROPOSED] ORDER

2 Before the Court is Plaintiffs' Motion for Class Certification pursuant to Federal Rule of  
3 Civil Procedure 23, the Memorandum of Points and Authorities in support thereof, and the  
4 Declaration of Caroline E. Reynolds in support thereof, along with accompanying exhibits.  
5 Having reviewed the parties' submissions,

6 IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED. The Court hereby  
7 certifies the Classes set forth below:

8 **A. The *Wit* Guideline Class**

9 Any member of a health benefit plan governed by ERISA whose  
10 request for coverage of residential treatment services for a mental  
11 illness or substance use disorder was denied by UBH, in whole or  
in part, on or after May 22, 2011, based upon UBH's Level of Care  
Guidelines or UBH's Coverage Determination Guidelines.

12 The *Wit* Guideline Class excludes members of the *Wit* State Man-  
13 date Class, as defined below.

14 **B. The *Wit* State Mandate Class**

15 Any member of a fully-insured health benefit plan governed by  
16 both ERISA and the state law of Connecticut, Illinois, Rhode Is-  
land or Texas, whose request for coverage of residential treatment  
17 services for a substance use disorder was denied by UBH, in whole  
or in part, on or after May 22, 2011, based upon UBH's Level of  
Care Guidelines or UBH's Coverage Determination Guidelines  
18 and not upon the level-of-care criteria mandated by the applicable  
state law.

20 The *Wit* State Mandate Class excludes members of the *Wit* Guide-  
21 line Class, as defined above.

22 **C. The *Alexander* Guideline Class**

23 Any member of a health benefit plan governed by ERISA whose  
24 request for coverage of outpatient or intensive outpatient services  
for a mental illness or substance use disorder was denied by UBH,  
25 in whole or in part, on or after May 22, 2011, based upon UBH's  
Level of Care Guidelines or UBH's Coverage Determination  
26 Guidelines.

1           The *Alexander* Guideline Class excludes any member of a fully-  
2           insured plan governed by both ERISA and the state law of Con-  
3           necticut, Illinois, Rhode Island or Texas, whose request for cover-  
4           age of intensive outpatient treatment or outpatient treatment related  
5           to a substance use disorder.

6           IT IS HEREBY FURTHER ORDERED that Named Plaintiffs David and Natasha Wit,  
7           Lori Flanzraich, Cecilia Holdnak, Brian Muir, and Linda Tillitt are appointed as Class  
8           Representatives for the *Wit* Guideline Class; Named Plaintiff Brandt Pfeifer is appointed as Class  
9           Representative for the *Wit* State Mandate Class; and Named Plaintiffs Gary Alexander, David  
10          Haffner, Corinna Klein, and Michael Driscoll are appointed as Class Representatives for the  
11          *Alexander* Guideline Class.

12          IT IS HEREBY FURTHER ORDERED that Zuckerman Spaeder LLP and Psych-Appeal,  
13          Inc. are appointed as Co-Lead Class Counsel for the Classes.

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15          **IT IS SO ORDERED.**

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17          Dated: \_\_\_\_\_

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21          The Honorable Joseph C. Spero  
22          Chief United States Magistrate Judge  
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